2661-22

18:23 P. 02 Nixon & Vanderhye P.C. (10/99)

(Domestic Assigned)

INVENTORS DECLARATION FOR PATENT APPLICATION IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

As a below named inventor, I hereby declare that my residence, mailing address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

the sp			CANCER THERAPY		
	ecification of which (chec Is attached hereto was filed on was filed as PCT Internat applicable to U.S. or PCT	January 22, 2002	as U.S. Application Serial No.	10/051,367 on	(Atty. Dkt. No. 2661-22)
define listed t which	d in 37 C.F.R. 1.56. I here	by claim foreign priority the life of the	ontents of the above identified specific disclose to the Patent Office all infor- penefits under 35 U.S.C. 119/365 of a optication for patent or inventor's certi- e the filing date of this application:	rmation known to me to	be material to patentability as
	Application Numb	er	Country		Day/Month/Year Filed
I heret	y claim the benefit under Application Numb 60/262,390	35 U.S.C. §119(e) of any per	United States provisional application Date/Month/Year Filed 19 January 2001	n(s) listed below.	
	y claim the benefit under: J.S./PCT Application(s): ation Serial No.	35 U.S.C. 120/365 of all p	prior United States and PCT internation  Day/Month/Year Filed	onal applications listed	above or below. Status: patented pending, abandoned
			in knowledge are true and that all sta		
applica		hereon. And on hehalf o		Willful laise statements	may jeopardize the validity of the
applica NIXON		thereon. And on behalf o	f the owner(s) hereof, I hereby ask the Floor, Arlington, Va 22201-4714, to	willful false statements nat all communications plephone number (703 Date:	may jeopardize the validity of the in this matter be directed to:  8) 816-4000.
applica	& VANDERHYE P.C., 11 Inventor's Signature: Inventor: Residence: (city) Mailing Address:	James (firet) Englewood 4650 S. Forest Street,	Floor, Arlington, Na 22201-4714, to  D.  MI	willful false statements nat all communications plephone number (703 Date: CRAPO (last)	may jeopardize the validity of the in this matter be directed to: 8) 815-4000.
applica NIXON	& VANDERHYE P.C., 11 Inventor's Signature: Inventor: Residence: (city)	hereon. And on behalf o 00 North Glebe Rd., 8th  James (first) Englewood	Floor, Arlington, Na 22201-4714, to  D.  MI	willful false statements nat all communications plephone number (703 Date: CRAPO (last)	may jeopardize the validity of the in this matter be directed to:  8) 816-4000.  6 -1  -0 2

igtieq See attached sheet(s) for additional inventor(s) information!!

Jun 10 2002 18:24

P. 03

2661-22

Nixon & Vanderhye P.C. (10/99) (Domestic Assigned)......Page 2

# RULE 63 (37 C.F.R. 1.63) INVENTORS DECLARATION FOR PATENT APPLICATION IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

As a below named inventor, I hereby declare that my residence, mailing address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

			CANCER THERAP	Y		
	of which (check attached hereto	applicable box(s)):				
		January 22, 2002	as U.S. Application	Coriot Na	10/051 007	
□ w	as filed as PCT Internation	onal application No.		Senai No.	10/051,367 оп	(Atty. Dkt. No. 2661-22)
and (if a	pplicable to U.S. or PCT	application) was amended	on		011	
16						
defined listed be	in 37 C.F.R. 1.56. I here flow and have also identif	ov ciaim toreian priority ber	sclose to the Patent Of hefits under 35 U.S.C. loation for patent or Invi	fice all informa 119/365 of any entor's certific:	ition known to me to	laims, as amended by any o be material to patentabillty as (s) for patent or Inventor's certificate ate before that of the application on
Priority I	oreign Application(s):	morny is ordanies, perore a	ie ining date of this app	meation.		
	Application Numb	er	Country			Day/Month/Year Filed
I hereby	claim the benefit under 3 Application Numb 60/262,390	85 U.S.C. §119(e) of any Ur er	nited States provisional Date/Month/Year 19 January 200	Filed	listed below.	
1 horoby	plain the hearts and a	NE 11 0 0 400/005 / III I				
Prior U.	S./PCT Application(s):	35 U.S.C. 120/365 of all price	or United States and Po	CT internation	al applications listed	
Applica	tion Serial No.		Day/Month/Year (	Filed		Status: patented pending, abandoned
						pending, abandoned
imprison application	ment, or both, under Secon or any patent issued to	tements were made with the	le knowledge that willfu United States Code an he owner(s) hereof The	il false statemi d that such wil	ents and the like so liful faise statement	mation and belief are believed to made are punishable by fine or s may jeopardize the validity of the in this matter be directed to: 13) 816-4000.
3.	Inventor's Signature:				Date	ş.
	Inventor:	Ines		BA	TINIC-HABERLE	Yugoslavian
	Booldones, (-ik.)	(first)	MI		(last)	(citizenship)
	Residence: (city) Mailing Address:	Durham 1 Cotswold Place, Durhe	and Alash Ossellas	_ (state/count	ry) North Carolin	a
	(Zip Code)	27707	am, North Carolina			
4,	Inventor's Signature:				Date	· •
	Inventor:	Richard		- · · · <del>- · · · · · · · · · · · · ·</del>	GAMMANS	U.S.A.
	Residence: (city)	(first) Research Triangle Park	MI	(ctoto/opens	(last)	(citizenship)
	Mailing Address:	c/o Aeolus Pharmaceutis	als Inc. P.O. Boy 1428	(State/count	ry) North Carolin	Corolina
	(Zip Code)	27709	19 110.7 1.0. DOX 1420	7, Mosearch	narigie Fark, Notti	Carolina
_	l4- 5- <b>6</b> 1	<u> </u>				
5.	Inventor's Signature: Inventor:	7-10			Date	::
	inventor;	Zeljko (first)	4.41	\	UJASKOVIC	Croatlan
	Residence: (city)	Durham	MI	. (atatalaaat	(last)	(citizenship)
	Mailing Address:	c/o DUKE UNIVERSITY,	Office of Science and	_ (state/count Technology, 2	ry) North Carolin. 30 North Building, F	a Research Drive, Durham,
	(Zip Code)	North Carolina 27708				
	(Zip Gode)	21100		<del></del> -		
FOR ADI	DITIONAL INVENTORS,	check box 🔲 and attac	h sheet with same info	ormation and	signature and dat	le for each,

Nixon & Vanderhye P.C. (10/99) (Domestic Assigned) Page 2

## RULE 63 (37 C.F.R. 1.63) INVENTORS DECLARATION FOR PATENT APPLICATION IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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matter	which is claimed and for w	which a patent is sought	CANCER THERAP	Υ		
the sp	ecification of which (check	applicable box(s)):			•	
	is attached hereto					
		January 22, 2002	as U.S. Application	Serial No.	10/051,367	(Atty. Dkt. No. 2661-22)
	was filed as PCT Internation				on	
and (if	applicable to U.S. or PCT	application) was amend	ed on			
ameno define listed t which	d in 37 C.F.R. 1.56. I here	acknowledge the duty to by claim foreign priority fied below any foreign a	o disclose to the Patent O benefits under 35 U.S.C. oplication for patent or inv	ffice all inform 119/365 of an rentor's certific	ation known to me to y foreign application(	tims, as amended by any be material to patentability as s) for patent or inventor's certifica te before that of the application o
rnonty	Application Numb	er	Country			Day/Month/Year Filed
	by claim the benefit under 3 Application Numb 60/262,390	er	Date/Month/Year 19 January 20	Filed 01	· · · · · · · ·	
	y claim the benefit under 3	35 U.S.C. 120/365 of all	prior United States and P	CT internation	al applications listed	
	J.S./PCT Application(s):		D /// // //	St. d		Status: patent d
Applic	ati n Serial No.		Day/Month/Year	riiea		pending, aband ned
be true impriso applica NIXON	s; and further that these sta comment, or both, under Sec ation or any patent issued t & VANDERHYE P.C., 11	atements were made with tion 1001 of Title 18 of the Thereon. And on behalf	h the knowledge that willf the United States Code ar of the owner(s) hereof, I h	ul false statem nd that such w ereby ask tha	nents and the like so rillful false statements t all communications	
1.	Inventor's Signature: Inventor:	James	D.	*	CRAPO	
	mventor.	(first)	MI		(last)	(citizenship)
	Residence: (city)	Englewood	1411	(state/count		(Onizonomp)
	Mailing Address:		t, Englewood, Colorado	. (Juana Journe	Ty) Colorado	
	(Zip Code)	80110	t, Englewood, Colorado			
2.	Inventor's Signature:				Date	·
	Inventor:	Brian	J.		DAY	U.S.A.
		(first)	Mi		(last)	(citizenship)
	Residence: (city)	Englewood		(state/cour	ntry) Colorado	
	Mailing Address:	6122 S. Nome Court,	Englewood, Colorado			
	(Zin Code)	80111				

 $\boxtimes$  See attached sheet(s) for additional inventor(s) information!!

## RULE 63 (37 C.F.R. 1.63) INVENTORS DECLARATION FOR PATENT APPLICATION IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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			CANCER THERAPY		
	ecification of which (check is attached hereto was filed on was filed as PCT Internation applicable to U.S. or PCT	January 22, 2002 onal application No.	as U.S. Application Seria	l No. 10/051,367 on	(Atty. Dkt. No. 2661-22)
amend define listed which	dment referred to above. I d in 37 C.F.R. 1.56. I here below and have also identi	acknowledge the duty to by claim foreign priority fied below any foreign ap	ontents of the above identified a o disclose to the Patent Office a benefits under 35 U.S.C. 119/3 oplication for patent or inventor e the filing date of this applicati	Ill information known to me to 65 of any foreign application( 's certificate having a filing da	
1 HOTE	Application Numb	er	Country		Day/Month/Year Filed
I herel	by claim the benefit under 3 Application Numb 60/262,390	35 U.S.C. §119(e) of any er	/ United States provisional app Date/Month/Year Filed 19 January 2001	lication(s) listed below.	
Pri r	by claim the benefit under (U.S./PCT Application(s): cati n Serial No.	35 U.S.C. 120/365 of all	prior United States and PCT in  Day/Month/Year Filed		above or below. Status: patented pending, aband n d
be true	e; and further that these sta onment, or both, under Sec ation or any patent issued t	atements were made with ation 1001 of Title 18 of the or behalf of	h the knowledge that willful fals	e statements and the like so it such willful false statements ask that all communications	mation and belief are believed to made are punishable by fine or may jeopardize the validity of the in this matter be directed to:  3) 816-4000.
3.	Inventor's Signature:			Date	
	Inventor:	Ines		BATINIC-HABERLE	Yugoslavian
	Desidence (site)	(first)	MI	(last) tate/country) North Carolina	(citizenship)
	Residence: (city)	Durham	urham, North Carolina	ate/country) North Carolina	<u>a</u>
	Mailing Address:	27707 2	main, Notifi Calolina		
	(Zip Code)	21101	0//		
4.	Inventor's Signature:	Hickory	E Danne les	Date Date	234682000
<b>~.</b>	Inventor:	Richard	- garringer	GAMMANS	U.S.A.
		(first)	MI	(last)	(citizenship)
	Residence: (city)	Research Triangle Pa	ark (si	tate/country) North Carolina	a
	Mailing Address:	c/o Aeolus Pharmace	eutials, Inc., P.O. Box 14287, R	esearch Triangle Park, North	Carolina
	(Zip Code)	27709			
5.	Inventore Cianature:		•	Date	
5.	Inventor's Signature: Inventor:	Zeliko		VUJASKOVIC	Croatian
	HIVEHIOL.	(first)	MI	(last)	(citizenship)
	Residence: (city)	Durham		tate/country) North Carolina	
	Mailing Address:		TY, Office of Science and Tech	"	
	<b>y</b> .==	North Carolina		J,,	·
	(Zip Code)	27708			

FOR ADDITIONAL INVENTORS, check box [ ] and attach sheet with same information and signature and date for each.

Nixon & Vanderhye P.C. (10/99) (Domestic Assigned) Page 2

# RULE 63 (37 C.F.R. 1.63) INVENTORS DECLARATION FOR PATENT APPLICATION IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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matter wn	ion is cialmed and for wit	ich a paterit is sought o	CANCER THERAPY	<b>,</b>		
☐ is a ☑ was ☐ was	cation of which (check a ttached hereto s filed on Ja s filed as PCT Internation blicable to U.S. or PCT a	anuary 22, 2002 nai application No.	as U.S. Application Sed on	Serial No. 10/ on	051,367	(Atty. Dkt. No. 2661-22)
amendme defined in listed belo which price	int referred to above. I a 37 C.F.R. 1.56. I hereb w and have also identified trity is claimed or, if no pe	cknowledge the duty to y claim foreign priority t ed below any foreign ap	enefits under 35 U.S.C. 1	fice all information 119/365 of any for entor's certificate	n known to me to t reign application(s	ms, as amended by any be material to patentability as ) for patent or inventor's certificat e before that of the application or
Priority Fo	oreign Application(s): Application Numbe	r	Country			Day/Month/Year Filed
I hereby o	laim the benefit under 35 Application Numbe 60/262,390		United States provisiona Date/Month/Year 19 January 20	Filed	ted below.	
Prior U.S	elaim the benefit under 3 JPCT Application(s): on Serial No.	5 U.S.C. 120/365 of all	prior United States and P		pplications listed	above or below. Status: patented pending, abandoned
be true; a imprisonn	nd further that these statement, or both, under Section or any patent issued the	tements were made with tion 1001 of Title 18 of the person. And on behalf the	h the knowledge that willfi he United States Code ar	ul false statement nd that such willfu ereby ask that all	s and the like so r I false statements communications	mation and belief are believed to nade are punishable by fine or may jeopardize the validity of the in this matter be directed to: 8) 816-4000.
1.	Inventor's Signature:				Date	
	Inventor:	James (first)	D. MI		CRAPO (last)	U.S.A. (citizenship)
	Residence: (city) Mailing Address:	Englewood	t, Englewood, Colorado	(state/country)	Colorado	
	(Zip Code)	80110				
2.	Inventor's Signature:				Date	
	Inventor:	Brian (first)	J. Mi	(atata/acusta/	DAY (last)· ) Colorado	U.S.A. (citizenship)
	Residence: (city) Mailing Address: (Zip Code)	Englewood 6122 S. Nome Court 80111	, Englewood, Colorado	(state/country		
	(Elp Code)	30111				

igtieq See attached sheet(s) for additional inventor(s) information!!

### Nixon & Vanderhy P.C. (10/99) (Domestic Assigned)......Page 2

## RULE 63 (37 C.F.R. 1.63) INVENTORS DECLARATION FOR PATENT APPLICATION IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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			CANCER THERAPY			
☐ is a ☑ wa ☐ wa	s filed as PCT Internation	anuary 22, 2002	as U.S. Application So	erial No. 10/09 on	51,367	(Atty. Dkt. No. 2661-22)
amendme defined in listed belo which prio	ent referred to above. I a a 37 C.F.R. 1.56. I hereb ow and have also identifi	y claim foreign priority ben	sclose to the Patent Office refits under 35 U.S.C. 11 cation for patent or inver	ce all information I 9/365 of any fore ntor's certificate ha	known to me to be ign application(s)	ns, as amended by any e material to patentability as for patent or inventor's certificate before that of the application on
Filolity	Application Numbe	r	Country			Day/Month/Year Filed
I hereby o	claim the benefit under 38 Application Numbe 60/262,390	5 U.S.C. §119(e) of any Ur	nited States provisional a Date/Month/Year F 19 January 2001	lled	d below.	
Prior U.S	claim the benefit under 35 JPCT Application(s): n Serial No.	5 U.S.C. 120/365 of all prio	or United States and PC  Day/Month/Year Fi		olications listed at	oove or below. Status: patented pending, aband ned
be true; a imprisonn application	nd further that these stat nent, or both, under Sect n or any patent issued th	ements were made with th	e knowledge that willful United States Code and ne owner(s) hereof. I her	false statements a that such willful fa eby ask that all co	and the like so ma alse statements m ommunications in	ation and belief are believed to ade are punishable by fine or nay jeopardize the validity of the this matter be directed to: 816-4000.
3.	Inventor's Signature:	ma		Ketre	Date:	04/24/02
	Inventor:	Ines (first)	MI	(	HABERLE	Yugoslavian CROA-7. (citizenship)
	Residence: (city) Mailing Address: (Zip Code)	Durham 1 Cotswold Place, Durha 27707	ım, North Carolina	(state/country)	North Carolina	
4.	Inventor's Signature: Inventor:	Richard (first)	MI		Date: MMANS last)	U.S.A. (citizenship)
	Residence: (city) Mailing Address: (Zip Code)	Research Triangle Park c/o Aeolus Pharmaceutia 27709	als, Inc., P.O. Box 14287	(state/country)	North Carolina	arolina
5.	Inventor's Signature: Inventor:	Zaljko (first)	MI		Date:	OT/10/0 ( Croatian (citizenship)
	Residence: (city) Mailing Address:	Durham c/o DUKE UNIVERSITY,		(state/country)	North Carolina	
	(Zip Code)	North Carolina 27708		· · · · · · · · · · · · · · · · · · ·		

FOR ADDITIONAL INVENTORS, check box 🔲 and attach sheet with same information and signature and date for each.



In re Patent Application of

CRAPO et al

Atty. Ref.:

2661-22

Serial No. 10/051,367

Group:

Filed: January 22, 2002

Examiner:

For:

**CANCER THERAPY** 

\* \* \* \* \* \* \* \* \* \*

Assistant Commissioner for Patents Washington, DC 20231

Sir:

# EXCLUSIVE SUBSTITUTE POWER OF ATTORNEY AND EXCLUSIVE PROSECUTION HEREAFTER BY ASSIGNEE UNDER 37 C.F.R. §§ 1.36, 3.71 AND 3.73

NATIONAL JEWISH MEDICAL AND RESEARCH CENTER, AEOLUS
PHARMACEUTICALS, INC. and DUKE UNIVERSITY, being the owner of all right, title and interest in the above-identified patent application, hereby revoke all previous powers of attorney in this case, if any, and hereby appoints Nixon & Vanderhye, P.C., 1100 North Glebe Rd., 8th Floor, Arlington, Virginia 22201-4714, telephone number (703) 816-4000, facsimile number (703) 816-4100, and the following attorneys thereof (of the same address) individually and collectively its attorneys to prosecute this application and to transact all business in the Patent and Trademark Office in connection therewith, and with the resulting patent: Larry S. Nixon, 25640; Arthur R. Crawford, 25327; James T. Hosmer, 30184; Robert W. Faris, 31352; Richard G. Besha, 22770;

CRAPO et al Serial No. 10/051,367

Mark E. Nusbaum, 32348; Michael J. Keenan, 32106; Bryan H. Davidson, 30251; Stanley C. Spooner, 27393; Leonard C. Mitchard, 29009; Duane M. Byers, 33363; Jeffry H. Nelson, 30481; John R. Lastova, 33149; H. Warren Burnam, Jr. 29366; Mary J. Wilson, 32955; J. Scott Davidson, 33489; Alan M. Kagen, 36178; Robert A. Molan, 29834; B. J. Sadoff, 36663; James D. Berquist, 34776; Updeep S. Gill, 37334; Michael J. Shea, 34725; Donald L. Jackson, 41090; Michelle N. Lester, 32331; Frank P. Presta, 19828; Joseph S. Presta, 35329; Joseph A. Rhoa, 37515; Raymond Y. Mah, 41426; Chris Comuntzis, 31097; Gary T. Tanigawa, 43180.

NATIONAL JEWISH MEDICAL AND RESEARCH CENTER, AEOLUS
PHARMACEUTICALS, INC. and DUKE UNIVERSITY also authorize Nixon &
Vanderhye to delete any attorney names/numbers no longer with the firm and to act and
rely solely on instructions communicated from the person, attorney, firm or other
organization sending instructions to Nixon & Vanderhye on behalf of the owner.

### Certificate Under 37 C.F.R. §3.73(b)

NATIONAL JEWISH MEDICAL AND RESEARCH CENTER, a corporation having a place of business at, Denver, Colorado 80206, AEOLUS PHARMACEUTICALS, INC., a corporation having a place of business at, Research Triangle Park, North Carolina 27709 and DUKE UNIVERSITY, a corporation having a place of business at, Durham, North Carolina 27708 state that they are, jointly, the assignee of the entire right, title and interest in the patent application identified above by

CRAPO et al Serial No. 10/051,367

virtue of assignments from the inventors to the aforesaid assignee, a copy of the assignments being attached.

The undersigneds (whose titles are typed below) are empowered to sign this statement on behalf of NATIONAL JEWISH MEDICAL AND RESEARCH CENTER, AEOLUS PHARMACEUTICALS, INC. and DUKE UNIVERSITY, respectively.

4/26/ozBy:	NATIONAL JEWISH MEDICAL AND RESEARCH CENTER
Date	Name: James D. Crapo Title: Bee vie Aresident
	AEOLUS PHARMACEUTICALS, INC.
By:	
Date	Name: Title:
	DUKE UNIVERSITY
By:	
Date	Name: Title:

Nixon & Vanderhye P.C. 1100 North Glebe Road Eighth Floor Arlington, VA 22201-4714 Attorney Dkt: 2661-22

### A S S I G N M E N T of U.S. Origin Patent Application

1)	James D.	CRAPO		
2)	Brian J.	DAY		

(hereinafter collectively ASSIGNOR), have made an invention known as Dkt. 2661-22 and entitled: CANCER THERAPY
for which an application for Letters Patent of the United States

☐ was executed even date herewith and is about to be filed in the United States Patent and Trademark Office;

☐ was filed on January 22, 2002, Appln. No. 10/051,367, which claims priority from provisional Appln. No. 60/262,390, filed January 19, 2001;

AND WHEREAS NATIONAL JEWISH MEDICAL AND RESEARCH CENTER,
1400 Jackson Street, Denver, Colorado 80206

(hereinafter ASSIGNEE), desires to acquire an interest therein:

NOW, THEREFORE, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the said ASSIGNOR, does hereby sell, assign and transfer unto ASSIGNEE, its entire right, title and interest to the said invention in the aforesaid application, and to the said application and to all continuations, divisions, reissues and substitutes of said application, and foreign counterparts thereof, together with the right of priority under the International Convention for the Protection of Industrial Property, Inter-American Convention

Relating to Patents, Designs and Industrial Models, and any other international agreements to which the United States of America adheres, and ASSIGNOR hereby authorizes and requests the Commissioner of Patents to issue said Letters Patent to ASSIGNEE, for its interest as ASSIGNEE, its successors, assigns and legal representatives. It is understood and agreed that ASSIGNEE'S attorneys Nixon & Vanderhye P.C. have represented only ASSIGNEE and will continue to represent only ASSIGNEE with respect to this invention.

AND ASSIGNOR hereby agrees to execute any papers requested by ASSIGNEE, its successors, assigns and legal representatives, deemed essential to ASSIGNEE's full protection and title in and to the invention hereby transferred.

ASSIGNOR furthermore agrees upon request of said ASSIGNEE, and without further remuneration, to execute any and all papers desired by said ASSIGNEE for the filing and granting of foreign applications and the perfecting of title thereto in said ASSIGNEE.

The undersigned hereby authorize(s) Nixon & Vanderhye P.C. of the above address to insert hereon any further identification necessary or desirable for recordation of this document.

Executed on the date(s) below indicated.

600428

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

CRAPO et al

Serial No. 10/051,367

Filed: January 22, 2002

For: CANCER THERAPY

JUN 1 3 2002 W

Atty. Ref.: 2661-22

Group:

Examiner:

Assistant Commissioner for Patents Washington, DC 20231

Sir:

# EXCLUSIVE SUBSTITUTE POWER OF ATTORNEY AND EXCLUSIVE PROSECUTION HEREAFTER BY ASSIGNEE UNDER 37 C.F.R. §§ 1.36, 3.71 AND 3.73

NATIONAL JEWISH MEDICAL AND RESEARCH CENTER, AEOLUS PHARMACEUTICALS, INC. and DUKE UNIVERSITY, being the owner of all right, title and interest in the above-identified patent application, hereby revoke all previous powers of attorney in this case, if any, and hereby appoints Nixon & Vanderhye, P.C., 1100 North Glebe Rd., 8th Floor, Arlington, Virginia 22201-4714, telephone number (703) 816-4000, facsimile number (703) 816-4100, and the following attorneys thereof (of the same address) individually and collectively its attorneys to prosecute this application and to transact all business in the Patent and Trademark Office in connection therewith, and with the resulting patent: Larry S. Nixon, 25640; Arthur R. Crawford, 25327; James T. Hosmer, 30184; Robert W. Faris, 31352; Richard G. Besha, 22770;

Mark E. Nusbaum, 32348; Michael J. Keenan, 32106; Bryan H. Davidson, 30251; Stanley C. Spooner, 27393; Leonard C. Mitchard, 29009; Duane M. Byers, 33363; Jeffry H. Nelson, 30481; John R. Lastova, 33149; H. Warren Burnam, Jr. 29366; Mary J. Wilson, 32955; J. Scott Davidson, 33489; Alan M. Kagen, 36178; Robert A. Molan, 29834; B. J. Sadoff, 36663; James D. Berquist, 34776; Updeep S. Gill, 37334; Michael J. Shea, 34725; Donald L. Jackson, 41090; Michelle N. Lester, 32331; Frank P. Presta, 19828; Joseph S. Presta, 35329; Joseph A. Rhoa, 37515; Raymond Y. Mah, 41426; Chris Comuntzis, 31097; Gary T. Tanigawa, 43180.

NATIONAL JEWISH MEDICAL AND RESEARCH CENTER, AEOLUS
PHARMACEUTICALS, INC. and DUKE UNIVERSITY also authorize Nixon &
Vanderhye to delete any attorney names/numbers no longer with the firm and to act and
rely solely on instructions communicated from the person, attorney, firm or other
organization sending instructions to Nixon & Vanderhye on behalf of the owner.

### Certificate Under 37 C.F.R. §3.73(b)

NATIONAL JEWISH MEDICAL AND RESEARCH CENTER, a corporation having a place of business at, Denver, Colorado 80206, AEOLUS PHARMACEUTICALS, INC., a corporation having a place of business at, Research Triangle Park, North Carolina 27709 and DUKE UNIVERSITY, a corporation having a place of business at, Durham, North Carolina 27708 state that they are, jointly, the assignee of the entire right, title and interest in the patent application identified above by

virtue of assignments from the inventors to the aforesaid assignee, a copy of the assignments being attached.

The undersigneds (whose titles are typed below) are empowered to sign this statement on behalf of NATIONAL JEWISH MEDICAL AND RESEARCH CENTER, AEOLUS PHARMACEUTICALS, INC. and DUKE UNIVERSITY, respectively.

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·		NATIONAL JEWISH MEDICAL AND RESEARCH CENTER
Date	Ву:	Name: Title:
4-22-2	Ву:	AEOLUS PHARMACEUTICALS, INC.
Date		Name: Clayton I. Duncan Title: President + CFO
·		DUKE UNIVERSITY
	Ву:	·
Date		Name:
		Title:

Nixon & Vanderhye P.C. 1100 North Glebe Road Eighth Floor Arlington, VA 22201-4714

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Attorney Dkt: 2661-22

## A S S I G N M E N T of U.S. Origin Patent Application

#### 1) Richard GAMMANS

(hereinafter collectively ASSIGNOR), have made an invention known as Dkt. 2661-22 and entitled: CANCER THERAPY

for which an application for Letters Patent of the United States

☐ was executed even date herewith and is about to be filed in the United States Patent and Trademark Office;

☐ was filed on January 22, 2002, Appln. No. 10/051,367, which claims priority from provisional Appln. No. 60/262,390, filed January 19, 2001;

# AND WHEREAS AEOLUS PHARMACEUTICALS INC. P.O. Box 14287, Research Triangle Park, North Carolina 27709

(hereinafter ASSIGNEE), desires to acquire an interest therein;

NOW, THEREFORE, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the said ASSIGNOR, does hereby sell, assign and transfer unto ASSIGNEE, its entire right, title and interest to the said invention in the aforesaid application, and to the said application and to all continuations, divisions, reissues and substitutes of said application, and foreign counterparts thereof, together with the right of priority under the International Convention for the Protection of Industrial Property, Inter-American Convention

Relating to Patents, Designs and Industrial Models, and any other international agreements to which the United States of America adheres, and ASSIGNOR hereby authorizes and requests the Commissioner of Patents to issue said Letters Patent to ASSIGNEE, for its interest as ASSIGNEE, its successors, assigns and legal representatives. It is understood and agreed that ASSIGNEE'S attorneys Nixon & Vanderhye P.C. have represented only ASSIGNEE and will continue to represent only ASSIGNEE with respect to this invention.

AND ASSIGNOR hereby agrees to execute any papers requested by ASSIGNEE, its successors, assigns and legal representatives, deemed essential to ASSIGNEE's full protection and title in and to the invention hereby transferred.

ASSIGNOR furthermore agrees upon request of said ASSIGNEE, and without further remuneration, to execute any and all papers desired by said ASSIGNEE for the filing and granting of foreign applications and the perfecting of title thereto in said ASSIGNEE.

The undersigned hereby authorize(s) Nixon & Vanderhye P.C. of the above address to insert hereon any further identification necessary or desirable for recordation of this document.

Executed on the date(s) below indicated.

23. April 2002 JOSE G Solozof

Signature

600440

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

CRAPO et al

Serial No. 10/051,367

Filed: January 22, 2002

For: CANCER THERAPY

Assistant Commissioner for Patents Washington, DC 20231

Sir:



Atty. Ref.:

2661-22

Group:

Examiner:

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CRAPO et al Serial No. 10/051,367

Mark E. Nusbaum, 32348; Michael J. Keenan, 32106; Bryan H. Davidson, 30251; Stanley C. Spooner, 27393; Leonard C. Mitchard, 29009; Duane M. Byers, 33363; Jeffry H. Nelson, 30481; John R. Lastova, 33149; H. Warren Burnam, Jr. 29366; Mary J. Wilson, 32955; J. Scott Davidson, 33489; Alan M. Kagen, 36178; Robert A. Molan, 29834; B. J. Sadoff, 36663; James D. Berquist, 34776; Updeep S. Gill, 37334; Michael J. Shea, 34725; Donald L. Jackson, 41090; Michelle N. Lester, 32331; Frank P. Presta, 19828; Joseph S. Presta, 35329; Joseph A. Rhoa, 37515; Raymond Y. Mah, 41426; Chris Comuntzis, 31097; Gary T. Tanigawa, 43180.

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CRAPO et al Serial No. 10/051,367

virtue of assignments from the inventors to the aforesaid assignee, a copy of the assignments being attached.

The undersigneds (whose titles are typed below) are empowered to sign this statement on behalf of NATIONAL JEWISH MEDICAL AND RESEARCH CENTER, AEOLUS PHARMACEUTICALS, INC. and DUKE UNIVERSITY, respectively.

·	NATIONAL JEWISH MEDICAL AND RESEARCH CENTER
Date	By: Name: Title:
	AEOLUS PHARMACEUTICALS, INC.
Date	By: Name: Title:
	DUKE UNIVERSITY
Date April 仍, 20	By: Name: Robert L. Taber Title: Vice Chancellor of Science & Technology Development

Nixon & Vanderhye P.C. 1100 North Glebe Road Eighth Floor Arlington, VA 22201-4714 Attorney Dkt: 2661-22

### A S S I G N M E N T of U.S. Origin Patent Application

1)	Ines BATINIC-HABERLE	
2)	Zeljko VUJASKOVIC	

(hereinafter collectively ASSIGNOR), have made an invention known as Dkt. 2661-22 and entitled: CANCER THERAPY
for which an application for Letters Patent of the United States

☐ was executed even date herewith and is about to be filed in the United States Patent and Trademark Office;

☐ was filed on January 22, 2002, Appln. No. 10/051,367, which claims priority from provisional Appln. No. 60/262,390, filed January 19, 2001;

### AND WHEREAS DUKE UNIVERSITY, Durham, North Carolina 27708-0083

(hereinafter ASSIGNEE), desires to acquire an interest therein;

NOW, THEREFORE, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the said ASSIGNOR, does hereby sell, assign and transfer unto ASSIGNEE, its entire right, title and interest to the said invention in the aforesaid application, and to the said application and to all continuations, divisions, reissues and substitutes of said application, and foreign counterparts thereof, together with the right of priority under the International Convention for the Protection of Industrial Property, Inter-American Convention Relating to Patents, Designs and Industrial Models, and any

other international agreements to which the United States of America adheres, and ASSIGNOR hereby authorizes and requests the Commissioner of Patents to issue said Letters Patent to ASSIGNEE, for its interest as ASSIGNEE, its successors, assigns and legal representatives. It is understood and agreed that ASSIGNEE'S attorneys Nixon & Vanderhye P.C. have represented only ASSIGNEE and will continue to represent only ASSIGNEE with respect to this invention.

AND ASSIGNOR hereby agrees to execute any papers requested by ASSIGNEE, its successors, assigns and legal representatives, deemed essential to ASSIGNEE's full protection and title in and to the invention hereby transferred.

ASSIGNOR furthermore agrees upon request of said ASSIGNEE, and without further remuneration, to execute any and all papers desired by said ASSIGNEE for the filing and granting of foreign applications and the perfecting of title thereto in said ASSIGNEE.

The undersigned hereby authorize(s) Nixon & Vanderhye P.C. of the above address to insert hereon any further identification necessary or desirable for recordation of this document.

Executed on the date(s) below indicated.

Signature

Date Signed

Witness

1) Mr. Petri/kelde

Ines BATINIC-HABERLE

2) Zelako VIJASKOVIC

Date Signed

O4/24/02

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O5/15/02

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